

## **Enhanced Disclosure of Late Contributions**

### **Bill Proposal:**

Require campaign donors and recipients to disclose on the late contribution report the total amount of all late contributions made to a recipient and by the late contributor during the late reporting period (the last 16 days prior to an election).

### **Problem:**

Under current law, candidates and committees are required to file campaign statements that include information about contributors to the committee. These campaign statements consist of, among others, a semi-annual, special odd-year, and pre-election statements. On each of these statements, all individual contributions are listed, as well as the cumulative amount contributed by each source during that period. Each contribution received during the last 16 days before an election (known as the late reporting period) must be reported, but there is no requirement that the report include an aggregated total of all contributions received during that period by each source.

When a member of the public wants to know how much a particular contributor is giving to a campaign, he or she can see that cumulated total on each of the earlier statements. However, late contribution reports filed within the 16-day late reporting period merely show the individual late contribution made; it does not show how much had previously been contributed during that late period. For example, if a contributor gave two contributions of \$1,000 each on two separate occasions during that late period, only \$1,000 would be reported from that source on each late contribution report; the cumulative \$2,000 amount would not be reflected on the second late contribution report. The public would then have to open and view each late contribution report to determine the amount of money received by the committee from that contributor. Under the proposed change, the \$2,000 total amount would be reflected on that second report, just as it is on earlier campaign reports. This allows the public to know the total amount of money contributed by each donor during that final reporting period, in the same manner that they are cumulated during other reporting periods.

In addition, while the earlier statements include a summary of the total amount of contributions received during the filing period, the late contribution reports do not include such a total. Thus, in order to know the total amount of money received by the committee during the late period, a member of the public would have to open and view each late contribution report and add the amounts on each form to get a total for the period up to that date. Under this proposal, each late contribution report would include the total amount of contributions received during the late period up to the date of that report.

### **Proposed Solution:**

Require a filer to, on each successive late contribution report filed during the late period, include in the report the total amount of late contributions received by each contributor during the late period, and the total amount of late contributions received by the committee during the late period. Require a contributor to disclose the total amount of all late contributions made to each recipient during the late reporting period.

**Suggested Language:**

**§ 84203. Late Contribution; Reports.**

(a) Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215. The candidate or committee that makes the late contribution shall report his or her full name and street address and the full name and street address of the person to whom the late contribution has been made, the office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, ~~and~~ the date and amount of the late contribution, and the total amount of all late contributions made to that candidate or committee during the late reporting period. The recipient of the late contribution shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The recipient shall also report the full name of the contributor, his or her street address, occupation, ~~and~~ the name of his or her employer, or if self-employed, the name of the business, and the total amount of all late contributions received from that contributor during the late reporting period. The recipient shall also disclose on each late contribution report the total amount of all late contributions received during the late reporting period.

(b) A late contribution shall be reported by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(c) A late contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

(e) The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.